

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

UNITED STATES OF AMERICA)
)
)
v.) Case No.: 4:17-CR-00214
)
)
EDGAR JOHNSON)

SENTENCING MEMORANDUM

COMES NOW, Edgar Johnson, through undersigned counsel, and submits this Sentencing Memorandum to assist the Court in determining a sentence “sufficient, but not greater than necessary.” For the reasons set forth below, Mr. Johnson respectfully requests that he be sentenced to a reasonable and appropriate sentence to include a period of incarceration below the 51-month period recommended by probation.

On October 2, 2017, Mr. Johnson pled guilty to maliciously conveying false information about explosive materials, in violation of 18 § U.S.C. 844(e), three counts of tampering with a witness, victim, or informant, in violation of 18 § U.S.C. 1512(b)(3), and three counts of deprivation of rights under color of law pursuant to 18 § 242. The Presentence Investigation Report calculated a guideline range of 41-51 months and recommended a sentence of 51 months. Mr. Johnson respectfully submits that a sentence below 51 months is sufficient, but not greater

than necessary to comply the purposes of § 3553(a)(2) and will result in a just and reasonable sentence in this case.

ARGUMENT

As this Court well knows, the United States Supreme Court in *United States v. Booker*, 543 U.S. 220, 125 S.Ct. 738 (2005) rendered the United States Sentencing Guidelines advisory. *Id.* at 246. The Eleventh Circuit held that, no matter what the Guidelines range, as long as the Guidelines have been considered, district courts must impose a reasonable sentence. *United States v. Hunt*, 459 F.3d 1180, 1184 (11th Cir. 2006). To ensure that sentencing courts “impose a sentence sufficient, but not greater than necessary,” the sentence must comply with the sentence objectives set forth in §3553(a). 18 U.S.C. §3553(a).

Background

Mr. Johnson was born in Swainsboro, Georgia where he was raised by his mother and father. In 1986, he married Sheila Johnson and they have remained married since that time. In 2008, Mr. and Mrs. Johnson adopted a baby girl and raised her as their own, Shelecia Johnson. She is ten years old and in fifth grade. She was raised by her mother and father up to the point that he was incarcerated and now resides with her mother until her father is able to return home after serving his sentence.

Mr. Johnson graduated from Swainsboro High School and received a certificate in Criminal Justice from Columbus State University. After school, Mr. Johnson, maintained employment and was heavily active in his two churches as a pastor. Mr. Johnson worked as a pastor for St. Matthews Baptist Church for seventeen years and worked as pastor for Grove Coursey Baptist for sixteen years.

In addition to being a pastor at the two churches, Mr. Johnson worked for the Georgia Department of Corrections on and off from 1994 until 2015. After being discharged due to conduct related in this case, Mr. Johnson became employed as a truck driver for Potato Creek Worm Farm. He then started working for Thomas Concrete until May of 2017. Mr. Johnson has continuously maintained employment throughout his life. His community supports him as does his wife as stated in the attached letters. (Ex A.) As noted in the PSI, Mr. Johnson has not been in trouble with the law until these two cases. He is a 51-year old man that remained active in his community and is known for helping people. He visited the sick and is known to be an inspiration to his congregation.

Mr. Johnson pled freely and voluntarily to the charges listed above. The government has no objection to a three level reduction for acceptance of responsibility. Mr. Johnson respectfully submits that a sentence below 51 months is sufficient, but not greater than necessary to comply the purposes of § 3553(a) and will result in a just and reasonable sentence in this case.

Credit for Time Served

Mr. Johnson has been incarcerated since June 12, 2017. Mr. Johnson respectfully requests his federal sentence include credit for time served from that date.

Respectfully filed this 11th day of June, 2018.

/s/ Courtney R. Lerch
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CERTIFICATE OF SERVICE

The undersigned certifies that on this day I served all parties in this case in accordance with the notice of electronic filing that was generated as a result of electronic filing in this Court.

Respectfully filed this 11th day of June, 2018.

/s/ Courtney R. Lerch
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